IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8295 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE A.S.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

UDAYSING B SOLANKI

Versus

DISTRICT PRIMARY EDUCATION OFFICER

Appearance:

1. Special Civil Application No. 8295 of 1994

MR BN PATEL for Petitioner No. 1

Mr. Kunjal Pandya, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE A.S.DAVE

Date of decision: 14/10/2004

ORAL JUDGEMENT

1. By way of the present writ petition under Article 226 of the Constitution of India, the petitioner has prayed that he is entitled to be appointed as primary

teacher as per the merit list prepared by the respondent-District Panchayat pursuant to the interview held from 15th June 1992 to 17th June 1992. He has further averred that on 15.6.1992, the candidates from Sr. Nos.1 to 350 were called, out of which, 280 candidates had appeared, and, on the next day, i.e. 16th June 1992, the candidates from Sr. Nos.351 to 700 were called, out of which, 140 candidates had appeared. The interview further proceeded on 17th June 1992 and the rest of the candidates had also appeared. Thus, in all, 489 candidates had appeared for the interview. The petitioner was at Sr. 431 in the list prepared for the purpose and he has also appeared in the said interview. The grievance of the petitioner is that, though he was placed at Sr. No.1 in the select list, no appointment order was issued in his favour.

2. While issuing Rule, this Court passed an interim order on 28.6.1994 directing the respondents to operate the list prepared by respondent No.1 for the post of Primary Teachers pursuant to the interviews held in June 1992.

3. From record, it appears that no affidavit-in-reply is filed by the respondents though time of ten years had lapsed.

4. Mr. B.N. Patel, learned advocate for the petitioner, states that, during this interregnum period, probably, the petitioner was appointed for the post of primary teacher. It is further submitted that, in view of the interim order passed by this Court, the respondents had operated the merit list and the petitioner might have got the appointment. He, therefore, stated that this petition has become infructuous by efflux of time and no grievance remains to be redressed by this Court and the petition can be disposed of accordingly.

5. In view of the statement made by the learned advocate for the petitioner, Rule is discharged with no order as to costs. In the event of any grievance, it is open to the petitioner to revive this petition. The ad-interim relief stands vacated. There shall be no orders as to costs.

(Anant S. Dave, J.)

(swamy)